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30 July 1982

MEMORANDUM FOR: Executive Director

FROM: Stanley Sporkin
General Counsel

SUBJECT: Weekly OGC Report for the DCI/DDCI

ITEMS OF MAJOR INTEREST - 24 - 30 JULY 1982

Procedures Implementing E.O. 12333. A senior attorney from OGC and a representative from DO/PCS are briefing stations in Southern Europe, North Africa, and the Near East on the new procedures concerning the conduct of CIA activities abroad and the procedures concerning coordination with CIA of FBI counter-intelligence activities abroad. A representative from the FBI is accompanying the Agency representatives to discuss the Bureau's obligation to coordinate its counterintelligence activities abroad with CIA. [REDACTED]

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Federal Tort Claims Act Amendments. On 29 July the House Judiciary Subcommittee on Administrative Law held its long-awaited markup of H.R. 24, the Federal Tort Claims Act Amendments. The legislation would substitute the United States as exclusive defendant instead of federal employees in nearly all lawsuits based upon allegedly tortious action by the employees while acting within the scope of their employment. Under current law, federal officials are potentially subject to personal liability for a host of constitutional torts which might arise from their official acts. The proposed legislation would assure federal employees that, as long as they are acting within the scope of their employment, they will not be subject to financial devastation and personal harassment through lawsuits directed at them by persons aggrieved by their official actions. [REDACTED]

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Inspector General Provisions of DOD Authorization Bill. Notwithstanding strong Administration opposition, both the Senate-passed and House-passed versions of S. 2248, the "Department of Defense Authorization Act, 1983," contain provisions creating a statutory position of Inspector General in the Department of Defense with broad powers of audit and investigation. The Senate version of the legislation, which authorizes the Secretary of Defense to restrict the Inspector General's activities in those rare cases in which national security so requires, is far preferable from the Intelligence Community's viewpoint to the House version of the legislation, which provides for the Inspector General's absolute independence from the Secretary of Defense and unconditional right of access to information. We will work with the Department of Defense to ensure that the House-Senate Conference Committee on S. 2248 adopts the more favorable Senate provisions. [REDACTED]

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COMPTROLLER CHECKLIST

- Overseas Pay Differential. Forwarded a letter to the House Appropriations Committee identifying sources of funding for the remaining \$6.0 million required in FY 1982 to fund the overseas pay differential.

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- FY 1984 Program. Capabilities statements in support of the FY 1984 Program will be distributed to the Deputy Directors next week for their review and comment.

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